09/118351

February 27, 2004

Assistant Commissioner of Patents

Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: Electronic shopping cart display system

US File # 20030195800

Filed: 4/10/2002

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is 20030195800

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon an advertising database maintained at the client level in a client-server ad delivery system. A "Related Item" advertising database is placed from a server to client hot spots or kiosks (0011) such that when a "smart UPC" item is moved into proximity range of the kiosk, related advertising is displayed and/or coupons are printed for those related items. Another embodiment delivers the database to wireless "ESC" (Electronic Shopping Cart Display System (0009)) terminal that delivers advertising based upon location as well as keywords and/or URLs selected while mobile. This type of configuration is described in US Published Application 20010028301. Uploads and downloads are performed through a wired or broadband wireless internet communications or through an internet connection. (0041)

Relevant Claims are: 11, 14 and others. The abstract reads, "A system and method is provided for marketing products to a customer when the customer is shopping. This invention contemplates reading the UPC tag of an item carried by a customer and marketing related items to the customer prior to checkout. Related items may be complementary, matching, prerequisite, or competitive items. The related items may be marketed to the customer by, e.g., displaying advertisements for the related items on screens located throughout the store, printing coupons for the related items, or storing electronic coupons for the related items onto a coupon card. Marketing related items to customers in this manner encourages customers to buy those items before leaving the store."

The inventor describes the invention as though it is an equivalent of an electronic communication system ... like the internet ... because it is in fact a client server

application. Moving from Point A to Point B as well as the time frame you move from A to B are purely voluntary user exercises similar to surfing the internet and going to web sites at will. In a location based system, advertising is delivered and displayed based upon these voluntary user actions in one form or another, albeit audible or a monitor screen or other messages, when made through a comparison of location to proximity of goods (0008) to an advertising database containing a database of items relevant to the smart UPC the user is voluntarily moving to the proximity of the store kiosk. Ads are then delivered to the user consequential to his or her actions and the item they already placed in their cart. Descriptions of these actions and functions are described in (0008) (0009) (0011) and (0012) and others.

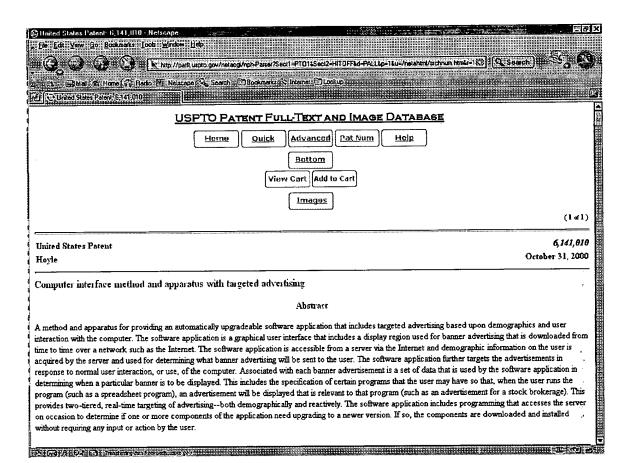
This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed.

I am objecting to this patent filing as it is neither novel nor unique. It is of particular note that no prior art was submitted with this application. The filers are correct that a targeted system based on voluntary user actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

- 1. US Patent 6,141,010 ... similar technology
- 2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
- 3. WO9955066 (A1) or EP1076983 (A1) ... similar technology
- 4. Published Application **20010028301**, filed a full year before this application.

There may be more prior art preceding the 4/10/2002 filing.

I believe the Examiner should look very closely at the Claim made and judge accordingly.



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